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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 BRETT DOYLE,
11 Plaintiff,
12 vs.
13 STATE OF NEVADA, et al.,
14 Defendants.

Case No. 3:19-cv-00725-MMD-CSD

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO SUBMIT
DISPOSITIVE MOTION
(Second Request)**

16 Defendants Renee Baker, Scott Davis, and Harold Wickham (collectively the "NDOC
17 Defendants"), by and through counsel, Aaron D. Ford, Attorney General of the State of
18 Nevada, and David A. Bailey, Deputy Attorney General, hereby request a 30-day extension
19 of time, to April 13, 2022, to file a dispositive motion. The present motion is based on
20 Federal Rule of Civil Procedure 6(b)(1)(A), LR 1A 6-1, LR 26-3, the following Memorandum
21 of Points and Authorities, and all papers and pleadings on file in this case.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. INTRODUCTION AND PROCEDURAL HISTORY**

24 This is a pro se prisoner civil rights action brought by inmate Plaintiff Brett Doyle,
25 concerning events that allegedly took place at the Lovelock Correctional Center, asserting
26 claims arising under 42 U.S.C. § 1983.

27 On October 14, 2021, this Court entered a Scheduling Order. ECF No. 26. The
28 discovery cut off was January 12, 2022, and the dispositive motions are to be filed by

1 February 9, 2022. *Id.* at 5-6. Discovery is complete. Defendants moved for an extension of
 2 time to file their dispositive motion from February 9, 2022 to March 14, 2022, which this
 3 Court granted. ECF Nos. 34 & 35.

4 Defendants now file this extension of time requesting this Court grant an additional
 5 30 days to file their dispositive motion.

6 **II. ARGUMENT**

7 Courts have inherent powers to control their dockets, *see Ready Transp., Inc. v. AAR Mfg, Inc.*, 627 F.3d 402, 404 (citations omitted), and to “achieve the orderly and expeditious
 8 disposition of cases.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). “Such power is
 9 indispensable to the court’s ability to enforce its orders, manage its docket, and regulate
 10 insubordinate . . . conduct.” *See Wallace v. U.S.A.A. Life General Agency, Inc.*, 862 F. Supp.
 11 2d 1062, 1068 (D. Nev. Sept. 30, 2010) (*citing Mazzeo v. Gibbons*, No. 2:08-cv01387-RLH-
 12 PAL, 2010 WL 3910072, at *2 (D.Nev.2010)).

14 LR IA 6-1 discusses requests for continuances. The rule states:

- 15 (a) A motion or stipulation to extend time must state the reasons for the
 16 extension requested and must inform the court of all previous extensions of
 17 the subject deadline the court granted. (Examples: “This is the first
 18 stipulation for extension of time to file motions.” “This is the third motion to
 19 extend time to take discovery.”)

20 This is the second request and is requested for good cause. *See* LR 26-3. Counsel
 21 entered his appearance on behalf of the NDOC Defendants on January 21, 2022. *See* ECF
 22 No. 31. Despite diligent research and analysis of the nuances of both First Amendment
 23 law and, especially, the Religious Land Use and Institutionalized Persons Act of 2000
 24 (“RLUIPA”), 42 U.S.C. § 2000cc et seq., Counsel requires additional time to properly
 25 present cogent arguments addressing the allegations Plaintiff raises in his Complaint.
 Counsel has made progress since requesting the first extension of time and does not expect
 to request a third extension.

26 The NDOC Defendants’ request will not hinder nor prejudice Plaintiff’s prosecution
 27 of his case. The requested 30-day extension of time is needed to allow Counsel to finalize
 28 an appropriate motion. The NDOC Defendants assert that the requisite good cause is

1 present to warrant the requested extension of time, and that this request is made in good
2 faith and not for the purpose of delay.

3 **III. CONCLUSION**

4 The NDOC Defendants request this Court extend the deadline for dispositive motions
5 in this matter. The NDOC Defendants assert that the requisite good cause is present to
6 warrant the requested extension of time. The request is timely. Therefore, the NDOC
7 Defendants request additional time, up until **April 13, 2022**, to file a dispositive motion in
8 this matter.

9 DATED this 14th day of March 2022.

10 AARON D. FORD
11 Attorney General

12 By: /s/ David A. Bailey
13 DAVID A. BAILEY, Bar No. 13661
Deputy Attorney General

14 *Attorneys for Defendants*
15 *Renee Baker, Scott Davis, and*
Harold Wickham

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17 IT IS SO ORDERED.

18 
19 U.S. MAGISTRATE JUDGE

20 DATED: March 15, 2022

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